

COUNCIL PROCEEDINGS

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, April 6, 1999
Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Kamen, Lambke; present. Council Members *Ferris, Rogers; absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Paul Schulte, Church of Jesus Christ of Latter Day Saints, Derby.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of March 30, 1999, were approved 5 to 0. (Ferris, Rogers; absent)

AWARDS AND PRESENTATIONS

*Council Member Ferris present.

PROCLAMATIONS

Mayor Knight presented the Proclamations that were preciously approved.

SERVICE CITATIONS

Mayor Knight presented Distinguished Service Citations to those present.

SERVICE AWARDS

Service awards were presented to Wichitas Promise Youth Community.

PUBLIC AGENDA

JAMES STILLMAN

COMMENTS BY JAMES STILLMAN.

Mr. Stillman was not present.

UNFINISHED BUSINESS

FLOOD HAZARD MITIGATION

PUBLIC HEARING: FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD HAZARD MITIGATION APPLICATIONS. (District V)

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 99-312.

At the January 5, 1999 City Council meeting, the City Council authorized submittal of the following Federal Emergency Management Agency (F.E.M.A.) flood mitigation pre-applications, listed in the order of priority as established by the City Council:

PROJECT	COST ESTIMATE	INITIAL
1. Buy out of homes damaged beyond 50% of value		\$ 800,000
2. Install Flood Warning System		\$ 66,000
3. Buy out of flooded homes located in floodway		\$ 2,600,000
4. Flood Hazard Mitigation Study		\$ 16,500
5. Installation of sewer back-up valves		\$ 855,000
Total		\$ 4,337,500

F.E.M.A. received pre-application requests for \$102,381,986 from eligible communities in Kansas. The Funds that will be available, based on current estimates, will be a minimum of \$3,530,456 from F.E.M.A.; \$700,000 in State CDBG

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funds; and \$470,727 in State money, for a total of \$4,701,183.

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The City has been notified by the State Flood Hazard Mitigation Team to prepare final applications for its two proposed buy out programs (Project numbers 1 and 3).

The applications are due to the Kansas Office of Emergency Management on, or before April 26, 1999. As a part of the applications, the City Council must pass three Resolutions: one designating an Authorized Representative and two designating the sources of the Non-Federal/State share on each application. The applications also require a citizen participation element in the form of legal notice and a public hearing before the City Council. Legal notice has been published and the hearing is scheduled as a part of the April 6, 1999 City Council Meeting.

The other projects will not be considered for mitigation funds due to budget constraints, however, they will be reviewed by other Federal and State agencies in the event they can fund all or a part of them.

The funding details for the two buy out projects based on estimates of Federal and State funding and the current program regulations are as follows:

Project (Buy outs)	Estimate Total Cost	F.E.M.A. State Share (75%)	Non Federal/ Share (10%)	State Share (15%)
1. 50% damage structures	\$660,680	\$495,510	\$66,068	\$99,102
2. Floodway structures	\$2,010,740	\$1,508,055	\$201,074	\$301,611
Totals	\$2,671,420	\$2,003,565	\$267,142	\$400,713

In all likelihood, the application to buy out the 50% damaged structures will be approved by the Kansas Flood Hazard Mitigation Team. The Kansas Office of Emergency Management and F.E.M.A. continue to search for funding from other agencies in order to fund additional projects. A possible source of additional funding is H.U.D.'s Community Development Block Grant Program, Unmet Needs Category.

If this funding source becomes available to the City of Wichita, it could be utilized to fund buy outs beyond that which F.E.M.A. can now fund, but the Non-Federal/State share would remain unchanged.

A source of alternatives for the Non-Federal/State share designated by the City Council are as follows:

1. Property owner participation (85% of the pre-flood market value).
2. Storm Water Utility Funds, Unbudgeted Reserve.
3. Other City Fund Sources.
4. Any combination of the above.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Lynn Hahn

Lynn Hahn said she was affected by the Cowskin every time it rains. The Cowskin needs to be cleaned out.

Bob Redmond

Bob Redmond said the Cowskin is over its banks again and people in the area are again worried about flooding problems. Insurance companies are dropping insurance on homes that have been flooded.

Mr. Redmond said he wished the City would adopt doing everything it possibly can in the interest of safety. The most inexpensive cure would be for the City to purchase unsafe homes in the flood area.

Mr. Redmond stated that he hoped the City would adopt the 15 percent share.

The City could do as Johnson County, Kansas, has done.

Ben Huie

Ben Huie said he had reviewed the documents to be sent to FEMA and he agreed the buy out is necessary; but, it is being caused by developers. There is no requirement for the developers to pay for what they have caused. There needs to be more stringent regulations on developers and the regulations need to start now.

There also needs to be more detention/retention ponds or flood control structures.

Flood control structures are public issues and should be part of zoning issues.

Bob Harrison

Bob Harrison said the failed dam and earthen berm north of Breezy Pointe needs to immediately be addressed. The Calfskin Creek also needs to be cleaned out.

Jeff Logan

Jeff Logan said he had owned his home for 26 years and he had never seen water in his yard until this time when there was 1.5 feet of water in the house and the basement was full. Mr. Logan said he did not know why it was now flooding.

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Candice Bevin said she had lived in her home for 22 years and had never had water in it until November 1st, 1998.

Ms. Bevin said she wanted to feel confident that she would not have to feel fear every time it rains. There needs to be a focus on future prevention and planning for timely evacuation of homes.

Ron Jacobson stated that there is a need for permanent structural control.

The new sewer treatment plant will put effluent into the Cowskin.

Mr. Jacobson said the homes on each side of his have been abandoned and are now becoming a health hazard. The homes should be immediately demolished or there should be assurance they will not become a health hazard.

An early warning system is a Band-Aid.

Council Member Ferris momentarily absent.

Ruby Ost said she has been in the process of restoring her home from the last flood and last night she had to sandbag again.

Ms. Ost said Jay Russell's pond is higher than the creek and has a gate that can control the height of water in the pond.

Another man is building a house and is piling up dirt that is cutting off the flow of water in the Cowskin.

Ruth Breth said she had lived in her home for 34 years and had no previous water damage. On Halloween, her home sustained 63 percent damage.

Houses are being built on higher pads and development to the north and west is causing the flood problems.

John Hastings stated that he is living in a temporary residence but his permanent address is 506 Wetmore Drive which is one of the homes Mr. Jacobson was speaking about. When he bought his house it was not considered to be in the flood plain.

Mr. Hastings said he believed the water problem in the Calfskin was caused when Dry Creek took a short cut and drained down the Calfskin.

The area needs to be looked at again to find out what houses were flooded.

Vernon Deines said the Federal Government paid for 75 percent of farm flood retention ponds. The City needs to see whether the Federal Government will help pay for city flood retention ponds.

Chris Bennett asked for assistance in getting reorganized to prevent flooding in the future. There is tremendous development to the west.

Greg McFarland said seven people almost died within 70 feet from his house on Halloween.

The Calfskin is catching water flow from some other source.

Mr. McFarland said his home was not in the flood plain when he purchased his home four years ago.

Something will happen again. There are no emergency provisions. Last night was too close. The Cowskin cannot handle the current water flow. There is a problem that cannot be ignored.

Kevin Lager said the Calfskin is right behind his house and it is supposedly a dry creek. Since the Halloween flood, the creek has been bank full and the sump pump in his home has run constantly.

Today, there is fast running water 30 feet wide across the road.

The Calfskin creek needs to be dredged towards the Cowskin. Even melting snow puts the water above the banks. There needs to be simple ways to get the water out of the Calfskin.

Marcy Ellis said her home flooded in 1995 and again on Halloween of 1998.

When the 4-lane highway was put, she was told the area would never flood again but this last time her home sustained 50 percent damage.

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Lynn Hahn Lynn Hahn said most of the houses in her area were built 20 to 30 years ago.

Ms. Hahn said she believes most of the problem for the City of Wichita is a product of annexation. The City inherited the problem of safety for the citizens in the flooding areas.

Council Member Ferris Council Member Ferris said the City will want to look into additional acreage for site 7A for watershed management.

The City is in the process of figuring the best way to handle the flood situation.

PEC is examining an area in the County where a wall of water was created where Dry Creek and the Cowskin merge.

State law does not allow the City to clean out the creek in areas where it is owned on each side by private individuals - an invitation is required. The City is willing to clean it out but permission is required first.

Watershed management needs to be looked at, especially in connection with the sewer treatment plant.

Sedgwick County Commissioner Tom Winters is anxious to work with the City. The County is willing to be involved.

Owners who built homes in the floodplain and floodway have some responsibility. The City should not participate in the buy out but should aggressively pursue FEMA funds. The owners should share in the cost. The 15 percent required from the owners can come from equity in their homes.

Council Member Lambke Council Member Lambke said residents along the creeks should allow the City access for cleaning purposes. Development probably has contributed significantly to the problem.

Mayor Knight Mayor Knight said the City has to join the citizens in making financial sense of the problem.

Steve Lackey Director of Public Works said there is \$40 to \$50 million in damages. There were 86 structures in the flood plain and 17 structures in the floodway, and many outside this area, that sustained damage.

The Director of Public Works said and effort would be made to speed up the study.

Motion -- Ferris moved that the public hearing be closed; the Resolutions be adopted; the funding, on the buy out provision of those over 50 percent, be as a result of the equity in the homes, and the same funding source for those in the floodway if the Federal Government participates and the residents choose to be bought out; that Staff encourage the consultant to expedite the process and if some additional dollars are needed, the contract amendment be returned to the City Council for approval; and the Mayor be authorized to sign the necessary documents. Motion carried 5 to 1. Knight - No. (Rogers absent)

-- carried

RESOLUTION NO. R-99-127

A Resolution designating the non-Federal/State share of the total project cost of the proposed flood hazard mitigation program resulting from Presidential Disaster Declaration No. FEMA-1258-DR-KS, presented. Ferris moved that the Resolution be adopted. Motion carried 5 to 1. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke. Nays: Knight.

RESOLUTION NO. R-99-128

A Resolution designating the non-Federal/State share of the total project cost of the proposed flood hazard mitigation program resulting from Presidential Disaster Declaration No. FEMA-1258-DR-KS, presented. Ferris moved that the Resolution be adopted. Motion carried 5 to 1. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke. Nays: Knight.

RESOLUTION NO. R-99-129

A Resolution designating the City of Wichita as authorized representative for the purpose of obtaining Federal/State Flood Hazard Mitigation Financial Assistance resulting from Presidential Disaster Declaration No. FEMA-1258-DR-KS, presented. Ferris moved that the Resolution be adopted. Motion carried 5 to 1. (Rogers absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke. Nays: Knight.

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CU-500

CU-500 CONDITIONAL USE REQUEST TO ALLOW VEHICLE SALES ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF ROCK ROAD AND HARRY STREET. (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-133 A.

MAPC Recommendation: Approve the Conditional Use request (9-5).

Staff Recommendation: Deny the Conditional Use request.

CPO Recommendation: Deny the Conditional Use request (4-1).

The applicants request a Conditional Use to permit automobile sales on a .7 acre site zoned **ALC@**, Limited Commercial. The site is approximately the north one-half of Lot 1, Silver Springs East Addition. The plat has complete access control along both streets for the first 40 feet of the lot from the intersection of both Harry and Rock. Currently, there are two access points on Rock Road and one on Harry, adjacent to the application area. The plat also depicts a 35 foot building setback along the north and west property lines. A vacant gas station and muffler repair shop are currently located on the property today.

Land adjoining the application area is zoned **ALC@**, Limited Commercial and developed with a variety of retail / convenience sales and service uses, such as a commercial retail center, gasoline and convenience store and fast food. There is also an office use located east of the site on **AGO@**, General Office zoning. A drainage ditch is located just east of the application area.

Outdoor vehicle and equipment sales in the **ALC@** district is subject to six conditions: 1. The site is to be contiguous to a major street; 2. If the site is contiguous to residential zoning districts, visual screening is required; 3. Storage and display areas must be paved; 4. Lighting standards must be met (cut-off luminaries shall be employed and lights are not to be mounted at a height exceeding one-half the distance from neighboring lots) and no string-type lights shall be permitted; 5. Compatibility noise standards must be met (no sound system capable of being heard on residentially zoned land within 500 feet of the site is permitted) and 6. No repair work is allowed except in an enclosed building, and no body or fender work is allowed at any time. The code requires auto businesses to provide customer parking at the rate of two spaces for the first 10,000 square feet of lot area used for vehicle sales, display or storage purposes and one space per each 10,000 square feet of lot area uses for sales, display or storage purposes.

Staff recommended that the request be denied, because it was not in character with surrounding uses, and not consistent with the Comprehensive Plan which calls for limiting these uses to locations where auto sales are already established or the uses are non-retail. However, staff did prepare recommended conditions in case the request was approved.

At the December 14th CPO 2 Council hearing, the applicants agent discussed this proposal. Two neighbors were present at this meeting and voiced the following concerns: traffic traveling up and down nearby side streets; **Ajunker@** cars being offered for sale; and an increase in theft in the area. After discussion the CPO voted 7-1 to approve the request, subject to staffs recommendations.

The case was deferred from the December 17th MAPC hearing, at the applicants request.

At the January 14th MAPC hearing, the applicants agent spoke about the request. No one spoke in opposition to this request. After discussion the Planning Commission voted 5-4 to approve the request subject to the conditions found in the staff report, placed a three year time limit on the operation, required the applicant to guarantee the closure of the northern most driveway to Rock Road, and the canopy being removed. The four dissenting votes were concerned about the possibility of allowing additional car lots in this area and the outside storage of vehicles along Rock Road.

This Conditional Use request was appealed by the Director of Planning to the February 9th Wichita City Council meeting.

At the February 9th City Council hearing, the request was referred back to CPO 2 and MAPC for reconsideration. This was due to a letter faxed to the City Council by the President of the Cedar Lakes Village Condominium Association opposing this request.

At the CPO hearing on March 22nd, the Council voted 4-1 to deny this request. The new president of the Cedar Lakes Condominium Association stated at the meeting that she did not oppose this request, nor did members of her association who met with the applicant and his agent.

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At the March 25th MAPC hearing, the Commission voted 9-5 to approve this request subject to the conditions approved at the January 14th MAPC hearing. The applicant's attorney presented this request. One person from the residential area east of the condominiums spoke in opposition to this request, stating the increasing number of small vehicle sales operations at defunct gas stations as a serious problem that needs to be addressed.

Mayor Knight momentarily absent with Vice Mayor Gale in the Chair.

Bob Kaplan Bob Kaplan, attorney representing the applicant, requested a two week deferral and said a landscape architect and a plan would be brought in.

Council Member Cole Council Member Cole said this type of request is coming from every direction and some are on tiny lots. This is very frightening to neighborhoods that are struggling to survive.

Motion -- Kamen moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the application be denied.

Substitute Motion -- Knight moved a substitute motion that the Item be deferred two weeks. Substitute
-- carried motion carried 5 to 1. (Rogers absent) Cole - No.

MUNICIPAL ENERGY AGENCY MUNICIPAL ENERGY AGENCY.

Joe Lang First Assistant City Attorney reviewed the Item.

Agenda Report 99-313.

On March 23, 1999, the City Council adopted a resolution which authorized the City to participate with other cities to create a municipal energy agency. State law, as amended in 1998, allows cities to join together to form a cooperative agency for the purpose of planning, studying, and developing facilities and programs for the purpose of securing an adequate, economical, and reliable supply of electricity and other energy. The creation of a municipal energy agency with other cities in the area with common interests, will place it in a position to be involved in State-wide discussions of electrical energy issues, become a cost effective advocate for its members in the regulatory proceedings, to implement planning and preparing for retail wheeling, and to position itself to become an aggregator of electrical power for retail wheeling if it chooses.

Once the initiating resolutions have become effective in the participating cities, those cities will need to develop an interlocal agreement for approval by the cities. While the City of Wichita's resolution is not effective until 60 days after publication, an agreement can be prepared and ready for adoption on the effective date. The City is in a position to draft and recommend an agreement to the participating cities.

The proposed draft of the Municipal Energy Agency Agreement would create an agency with broad powers and authority to carry on all activities allowed under the State law. The member cities through their representatives will determine which of those many powers the Agency would actually exercise in the future.

Following is a summary of the organization, structure, and power of the Agency as proposed in the Agreement:

1. The South Central Regional Energy Agency is established as a quasi-municipal corporation. [The cities will still have the opportunity to determine an alternative name.]
2. The powers of the Agency are all of those powers of a quasi-municipal corporation as authorized by statute, including the power to sue and be sued, enter into contracts, issue revenue bonds, own property, and receive grants and funding.
3. The Agency on its own or in cooperation with other governmental or private entities may plan, study, and develop facilities and programs to secure an adequate, economical, and reliable supplies of electricity.
4. If the Agency exercises electrical utility functions for its members in the future, when authorized by law, it may acquire electrical energy, transmit energy, and supply energy to municipal facilities and other facilities its member cities own and serve. It would be able to operate as a utility, including the acquisition of property and facilities, hiring employees, and

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determining rates and charges for energy.

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5. The member cities would be the City of Wichita and all other cities authorizing participation by resolution. Existing members could withdraw and new members join upon the approval of the Agency's board of directors.
6. The Board of Directors would be not less than 7 members, at least a majority of whom are members of the governing bodies or their direct appointees. The Bylaws would establish the actual membership, quorum, terms, and selection process. The Board of Directors would elect officers.
7. The activities of the Board of Directors are subject to the Kansas Open Meetings Act.
8. The Agency will establish Bylaws. It is proposed that the Bylaws and their amendments are subject to the approval of 2/3 of the board of directors and may be rejected if two or more cities object to them. [The cities may negotiate and establish alternative Bylaw adoption procedures.]
9. The Agency will have a budget and be subject to the Kansas budget and cash basis laws.
10. The Agency may issue revenue bonds payable from the revenue of the Agency for its operations. The Agency may not levy taxes or issue general obligation bonds. The member cities are not liable for the obligations of the Agency.
11. The Board would have the authority to hire an executive director; alternatively, it could also receive its staff support from member cities. The City Clerk of the City of Wichita is designated as the registered agent of the Agency.

Upon approval of the member cities, the agreement must be submitted to the Attorney General for approval in the same manner as an interlocal agreement.

The City Council may recommend this form agreement to the other participating cities. There will be the opportunity to review and modify the provisions, if necessary, before they come back to the City Council for final approval.

There will be no significant costs in approving an agreement and creating the Agency. The successful operation of the Agency may ultimately result in electrical cost savings to the City and its residents.

The Municipal Energy Agency Agreement must conform to the requirements of K.S.A. 12-888. This proposed agreement has been drafted by the Law Department consistent with the statutory provisions and can be adopted by the participating cities after the effective date of their individual resolutions.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Knight moved that the form of Agreement be approved; and the Mayor and Staff be authorized to recommend the agreement form to other interested cities. Motion carried 6 to 0. (Rogers absent)

-- carried

NEW BUSINESS

AIRPORT NOTE SALE

GENERAL OBLIGATION AIRPORT TEMPORARY NOTE SALE: SERIES A, 1999 (TAX EXEMPT) & SERIES B, 1999 (SUBJECT TO AMT).

Kelly Carpenter

Assistant Director of Finance reviewed the Item.

Agenda Report No. 99-318.

The City is offering for sale two series of General Obligation Airport Temporary Notes totaling \$4,260,000 for the purpose of providing temporary financing for duly authorized capital improvement projects at Mid-Continent Airport.

The proceeds of the Series A, 1999 Temporary Notes will be used to provide interim financing for various tax-exempt projects at Mid-Continent Airport. The proceeds of the Series B, 1999 Temporary Notes are subject to the alternative minimum tax (AMT) because the improvements being financed directly benefit private businesses at the airports, such as the airlines.

Sealed bids will be accepted until 10:30 a.m. CST at the City Council Office, at which time the bids will be publicly opened. No bids will be accepted after the 10:30 a.m. deadline. The bids will be verified, tabulated and presented to the

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City Council at 11:30 a.m. By law, the City must award the sale of the notes to the bidder whose proposed interest rates result in the lowest net interest cost to the City.

The Series A, 1999 and Series B, 1999 Temporary Notes will mature April 27, 2000, and will be retired at that time, either with PFCs, the proceeds from the sale of permanent financing bonds or renewal notes. The Wichita Airport Authority has pledged the net income of the airport facilities for payment of the principal and interest on any and all financing to be issued.

The Bids were opened and the following bids were recommended:

Tax Exempt G.O. Improvement Temporary Notes, Series A, 1999 - \$1,375,000
 Nations Bank Montgomery Securities
 3.2677 Net Average Interest Rate
 \$47,857.64 Total Interest Cost to Maturity at Rate Specified
 \$ 3,177.00 Less Premium
 \$44,680.64 Net Interest Cost to Maturity

(AMT) G.O. Improvement Temporary Notes, Series B, 1999 - \$2,885,000
 CIBC Oppenheim
 3.383 Net Average Interest Rate
 \$100,414.03 Total Interest Cost to Maturity at Rate Specified
 \$ 3,350.00 Less Premium
 \$ 97,064.03 Net Interest Cost to Maturity

Vice Mayor Gale

Vice Mayor Gale inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the sale be awarded as outlined above; the Declarations of Emergency be approved and the Mayor be authorized to sign; the Ordinances be placed on their passage and adopted on the date of their introduction, all in accordance with K.S.A. 12-3001; and the Mayor be authorized to sign the necessary documents. Motion carried 6 to 0. (Rogers absent)

-- carried

ORDINANCE NO. 44-232

An Ordinance authorizing and providing for the issuance of City of Wichita, Kansas, general obligation Airport Renewal and Improvement Temporary Notes, Series A, 1999 (Tax-Exempt) and General Obligation Renewal and Improvement Temporary Notes, Series B, 1999 (subject to AMT), in the aggregate principal amount of \$4,260,000 for the purpose of providing the necessary funds to renew portions of the principal amount of temporary notes previously issued for interim construction financing of costs in connection with certain airport improvements and for the interim construction financing of new costs in connection with certain airport improvements, to the Wichita Mid-Continent Airport facilities operated by the Wichita Airport Authority of the city; prescribing the terms and details of the notes; providing for the payment of the principal of and the interest on the notes when it becomes due and payable; and making certain other covenants and agreements with respect thereto. the Ordinances be placed on their passage and adopted on the date of their introduction, all in accordance with K.S.A. 12-3001; and the Mayor be authorized to sign the necessary documents. Motion carried 6 to 0. (Rogers absent) Ayes: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

WATER DIST. PETITION

PETITION FOR WATER DISTRIBUTION SYSTEM TO SERVE MAPLE HILL ADDITION - SOUTH OF MAPLE, WEST OF 135TH STREET WEST. (District V)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 99-314.

The Petition has been signed by 91 of 132 (68.9%) owners representing 66.1% of the improvement district area. CPO Council 5 considered the Petition on March 10, 1999. The Council voted 5-2 to recommend approval subject to deleting two lots and reducing the assessment for two other ownerships from two assessment shares to one assessment share each.

O'Dell-White Addition is located in the south portion of the improvement district and consists of two large residential lots. The owners of the two lots appeared at the CPO meeting and requested that their property be deleted from the improvement district. Staff recommends that these two lots be removed and that the total cost of the project be reduced accordingly. Owners of two other homes asked that their assessments be reduced from two shares to one share because their homes each occupy two lots. Staff requests that the Council determine if it wants to assess these owners for each platted lot or per ownership that encompasses two

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platted lots.

The estimated project cost is \$300,000, with the total assessed to the improvement district. The method of assessment is the equal share basis. The estimated assessment to individual properties is \$4,110 if all platted lots are assessed an equal share and \$4,225 if each of the owners of the two platted lots are given one assessment.

Council Member Cole left the Bench.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that this Item be deferred 60 days. Motion carried 5 to 0. (Cole, Rogers; absent)

COUNCIL ELECTION ORD

PROPOSED ORDINANCE AMENDMENTS REGARDING FILING FOR CITY COUNCIL ELECTIONS.

Motion --

Ferris moved that this Item be deferred to the new City Council. Motion carried 5 to 0. (Cole, Rogers; absent)

-- carried

Council Member Cole present.

CITY WORK PROGRAM

CITY WORK PROGRAM.

Cathy Holdeman

City Managers Office reviewed the Item.

Agenda Report No. 99-316.

Over the years, Municipal Court has been experiencing an increasing problem with offenders who are found guilty and do not pay their fines. To encourage payment, offenders are required to appear before a judge on the ~~At~~Time-to-Pay Docket. This docket was originally initiated as a way to encourage offenders to pay fines; they would have to appear before a judge each month until their fine was paid and either make a payment or explain their financial difficulties. If an offender fails to appear a warrant is issued.

In practice, only a small percent of offenders (20 percent) return to court on a monthly basis to pay their fines. Failure to appear in court results in a warrant being issued for arrest. This repetitive process significantly increases data entry workloads within the Court. Additionally, the volume of cases makes actual enforcement of warrants difficult. In 1998, staff arrested 52 percent of the defendants who failed to appear on the Time-to-Pay Docket. Furthermore, if offenders are picked-up on a warrant, and sent to jail, they are usually released in a very short time period because the County jail is at capacity. For many offenders, the threat of jail time has not constituted a strong enough sanction to encourage payment of fines.

In addition to the Time-to-Pay Docket, the City utilizes the services of a collection agency. Information on individuals who have outstanding fines, including those who have failed to appear on the Time-to-Pay Docket, are referred to the collection agency in an attempt to collect fines due. However, the agency has only been able to collect approximately 12 percent of the outstanding fines. [Collection agencies typically make numerous attempts to secure payment, but will abandon the client if they don't achieve results after several months of phone calls and/or correspondence by mail.] The amounts of the fines are often too small to make it cost effective for the City to seek a civil judgment.

Municipal Court currently utilizes a court appearance requirement (Time-to-Pay Docket), telephone, and written follow-up actions through a collection agency to attempt to get offenders to pay their fines. While the current efforts have made a difference in the amount of fines received from offenders, they do not do enough to convey a message that Municipal Court sanctions are serious and that there are consequences associated with infractions with the law and non-compliance with Court rulings. Offenders are allowed to leave the courtroom with a promise to pay in the future, knowing that if they do not appear a warrant will be issued for their arrest; and if arrested, their incarceration experience will be minimal because of the lack of jail space to confine them. To address the need for immediate sanctions for offenders, Staff is proposing to initiate a City Work Program, based upon some of the same principles of the City-State Cooperative Inmate Labor Program.

Work Program Process: Offenders found guilty of a violation adjudicated in Municipal Court will be eligible for the Work Program; with the exception of those individuals guilty of a violent crime, such as domestic violence, assault, battery, etc. Offenders appearing on the Time-to-Pay Docket will be given the opportunity

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to pay the fine in full. If they do not have the ability to pay, they will be assigned to the City Work Program. Supervisors of the program will make the work assignment and outfit the offender with protective clothing and the appropriate equipment. Initially, offenders will perform community service activities (in and around City Hall), such as painting, cleaning, trash removal, lawn care, and perhaps filing, etc. As the program grows they will be transported to out locations, such as highway and river/stream cleanup, neighborhood and park cleanup, etc., and work under the supervision of individuals in various departments.

The proposed Work Program provides for a maximum of six hours of work by the offender (when transport time and a lunch break are included). Six hours of community service may not be commensurate with the fine. Offenders will be given the opportunity to return to the Work Program for as many community service work days that are needed to work off the fine. Each hour worked will be equivalent to earning \$5.00 per hour. Their other option is to work the first day and pledge to pay the balance of the fine within 30 days. If they do not pay the balance, they must reappear on the Time-to-Pay Docket, and failure to appear will result in a warrant being issued for their arrest, and possibly jail confinement.

City Liability Issues: The Tort Claims Act provides that the City is immune from liability for personal injury or property damages resulting from any claim for damages resulting from the performance of community service work other than damage arising from the operation of a motor vehicle. The City's Work Program will exclude operation of a motor vehicle from any scope of community service work.

With respect to workers' compensation, the City has historically chosen to not file a written statement of election to accept the provisions of the Workers' Compensation Act. This means that the City has never elected to provide workers' compensation coverage to volunteers or those engaged in community service work. Should an offender be injured while performing community service work, they would have to prove negligence and pursue their claim as a tort in lieu of providing no-fault benefits under the Workers' Compensation Act.

A budget of \$85,000 has been developed to initiate the City Work Program. This amount includes salary/benefits for supervision to oversee the offenders and transportation costs. [The cost of purchasing a vehicle is included in the budget; however, this expenditure could be delayed because offenders will initially work in and around City Hall and transportation will not be needed.] When work projects expand to outer locations, a vehicle from WTA could be leased for transport. Program growth may necessitate the purchase of a vehicle. The budget also includes communication and safety equipment, uniforms, and box lunches. The cost of the Program can be funded from the City's Community Services Block Grant, or from Municipal Court revenues.

The Work Program will provide financial benefits to the City in terms of forgone expenditures. It is currently estimated that the work performed by the offenders will have a non-cash value of \$108,000 in 1999, and \$180,000 in 2000 (3,600 hours of community service work performed in 1999 at \$5 per hour and 6,000 hours worked performed in 2000 at \$5 per hour). Additionally, there is a forgone cost to the City if offenders are not arrested (due to an outstanding warrant for failure to appear on the Time-to-Pay docket) and booked in jail, and instead, are participants in the City Work Program. This (forgone) cost could be as much as \$272,000 in 1999 and \$467,000 in 2000 (the cost to serve a warrant, arrest, book in jail, overnight in jail, and appear before a judge is estimated at \$145 per offender).

In addition to these expenditures (above), there could be other financial benefits to the City as the intent of this program is to encourage payment of fines. Individuals given the choice of performing community service to work off a fine, may opt to find the necessary resources to pay the fine. These costs can be estimated once the program has a history of operation.

Municipal Court Judges have the authority under Charter Ordinance No. 164 to order community service work for offenders who cannot pay court-imposed fines. The City has the authority to establish and operate community service work programs and the financing thereof.

Council Member Gale momentarily absent.

Mayor Knight left the Bench; Vice Mayor Gale in the Chair.

Vice Mayor Gale

Vice Mayor Gale inquired if anyone wished to be heard and no one appeared.

Motion --

Ferris moved that the proposed City Work Program and the transfer of eligible Community Service Block Grant funds or Court revenues to finance the program be approved. Motion carried 5 to 0. (Rogers, Knight; absent)

-- carried

COUNCIL PROCEEDINGS

HUD CONSOLIDATED PLAN

Tom Smith

HUD CONSOLIDATED PLAN - 1999/2000 ONE YEAR ACTION PLAN.

Grants In-Aid Coordinator reviewed the Item.

Agenda Report No. 99-317.

On March 16, 1999, the City Council approved funding allocations for the 1999/2000 Consolidated Plan. The approved Plan comprises the One Year Action Plan and includes Community Development Block Grant funding allocations, HOME Investment Partnership funds, and Emergency Shelter Grant funds. To receive these federal funding allocations, HUD requires cities to prepare One Year Action Plans listing projects and services to be undertaken, their location and proposed activities. The proposed One Year Action Plan is to be submitted for public comment prior to final adoption by the City Council.

The City's preliminary 1999/2000 One Year Action Plan lists the federal resources expected to be available from various grant assistance programs to address priority needs (as adopted by the City Council), a description of the activities to be funded by the City Council, the geographic location of the activities and homeless, and other special needs and activities to be undertaken during the fiscal year. The 1999/2000 One Year Action Plan covers the period beginning July 1, 1999 and ending June 30, 2000.

The proposed Plan also includes unobligated funds from program income and funds from projects which will not be undertaken. These funds will be used to finance previously approved projects by the City Council but not yet expended. Any funds remaining from these prior designated and approved projects/activities would be available for future allocation.

The 1999/2000 Consolidated Plan totals \$7,854,800 and is comprised of grant funds and estimated income (primarily derived from revolving funds such as Historic Loans). The other funds include program income and deobligated funds from previously approved projects. All of the Consolidated Plan funds have been previously allocated by the City Council and committed to revolving funds or reserved for City Council priorities.

Vice Mayor Gale

Vice Mayor Gale inquired if anyone wished to be heard and no one appeared.

Motion --

Cole moved the 1999/2000 One Year Action Plan as an amendment to the City's Consolidated Plan and implementation of the public comment period be approved. Motion carried 5 to 0. (Rogers, Knight; absent)

-- carried

WASTE TIRES REPORT

Joe Pajor

WASTE TIRES - STATUS REPORT.

Natural Resources Director reviewed the Item.

Agenda Report No. 99-319.

Approximately 400,000 waste tires are produced in Sedgwick County per year. Of this amount, approximately 304,000 originate from inside the City of Wichita. There are over 500 generators of waste tires in Sedgwick County.

In the early 1990's, the State of Kansas passed laws regulating waste tire generators, transporters, and disposal facilities. The program was funded by a fee of \$1 on each new tire sold in the State. This fee was latter reduced to \$.50 per tire; this mandated state fee continues today. [The State is attempting to increase this fee to \$1.50 in current legislation under discussion by the Legislature.] Sedgwick County was successful in receiving grants from these fees to clean up the large tire pile on south West Street and to fund two full time positions in the Health Department to address the proper management of new waste tires and the clean up of existing tire piles. This enforcement program ended in June of 1996.

Today, waste tire enforcement is accomplished by the Health Department. Tire fees are being used to clean up old (pre-law) sites across the State, including six in Sedgwick County

- *2,400 tires at Vics Sand Pit 21st Street North and West Street (completed);
- *65,000 tires at Browns Tire 4203 S. Broadway (completed);
- *1,000 tires at Kruse Parts and Salvage 3501 S. Broadway;
- *Unknown number of tires at McClellan Auto Salvage and Service 2044 N. Cleveland;
- *1000 tires at the Beagealy site at 61st Street North and Broadway; and
- *12,000 tires at Bonnie and Clydes Salvage 6504 N. Hillside.

The above sites represent the most significant storage of waste tires in the Wichita area.

COUNCIL PROCEEDINGS

Most of the waste tires in the Wichita area were processed locally by Mid-Continent Resource Recovery. This company has gone out of business and the facility is for sale. A small scale operation in the 1400 block of N. Barwise has been in operation for some time, but has not yet received the required permits to operate.

A new company, Southwest Tire Recycling, has opened on the old Mid-Continent site on south West Street. They have all required permits and are hauling whole tires to a tire monofill site near Concordia, Kansas and are sheading some tires and taking the shreds to the Sumner County, Kansas Landfill. There are no known companies recycling tires in the Wichita area today.

There is a growing problem with waste tire generators using unlicensed haulers who are disposing of tires illegally in Sedgwick County or the surrounding areas. The City has removed 868 tires in just the first two months of this year. [This represents more tires than were removed in all of 1997 and 1998 combined!] On March 1, there were another 110 tires removed in one day.

With an average of approximately 800 new waste tires being produced each day, it appears that most are being properly managed. Those that are not are (however) creating an increasing problem for the City and other local units of government. The problem is also impacting private property owners who must clean up illegally dumped tires.

[All tire retailers in the State received a letter about the first of this year reminding them that if they contract with a party who is not a permitted waste tire hauler to remove their tires, they would be liable for the clean up cost if the tires are found to be illegally dumped.]

Alternatives: To address the growing problem of waste tire, the City has several options to consider. These include, but are not limited to:

(1) The City could request KDHE to make a more aggressive enforcement effort with tire retailers and unlicensed waste tire transporters to reduce the incidence of illegal dumping. Because 75% of the tire piles cleaned up on public rights-of-way (so far this year) have involved a dozen or more tires; it appears that most of the tires being picked up (95%) are coming from commercial operations. Because State enforcement staffing for this area is very limited, it is unlikely that an effective enforcement effort could or would be implemented by the State in Sedgwick County.

(2) The City could develop a locally-funded waste tire disposal program. Such an effort was successful when the State tire grant monies were used to fund Health Department inspectors. Such a program could concentrate on monitoring the 500 generators of tires and the licensed waste tire haulers in Sedgwick County. [If a locally funded program was initiated, a budget adjustment would be required along with a funding source.]

(3) The City could assign existing environmental health staff over a short time frame to focus on stringent enforcement action. While this option would mitigate some of the current problems, it could not be sustained over a longer term basis without seriously impacting other necessary health and sanitation activities of the Health Department.

(4) The City could petition the Sedgwick county Commission to address this issue within its Solid Waste program now under development.

The City has incurred a significant and unbudgeted expense in collecting waste tires that are dumped on public rights-of-way and on public-owned land. Disposal of the tires costs the City \$1.17 per auto tire plus a surcharge of \$2.00 for any tires on rims. The present increase in tires being picked up will have an impact on both expenditure budgets for disposal and work program productivity for other street maintenance activities such as litter pick up and graffiti removal.

During the past two years, the City has paid the State \$1.1 million dollars in tire tipping fees; \$505,192 in 1997 and \$602,327 in 1998. Yet, the City of Wichita has received very little funds in return for its solid waste management programs.

The Secretary of Health and Environment was petitioned (March 4, 1999) to renew its rant program to allow the City to retain several inspection personnel to enforce the water tire program. No response has yet been received.

The legal framework to address the issue of the proper management of waste tires already exists at the State and local levels. The issue is one of resources for effective enforcement (described above) along with the appropriate agency to assume the responsibility for solid waste.

COUNCIL PROCEEDINGS

Council Member Kamen said the City should request more aggressive enforcement from KDHE. There is not much that would actually be effective in the options presented. There should be more options studied.

If there is no recycler who would chop or shred the tires, the City should look at chopping and shredding tires and burying them in the landfill.

Council Member Cole said the City should talk with the County because all of the cities in the County have the same problem.

Vice Mayor Gale inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Cole moved that Staff and/or Council Members move forward to petition Sedgwick County to address the issue and, if unsuccessful, the Council should reconsider the matter and find a solution. Motion carried 5 to 0. (Rogers, Knight; absent)

ADDENDUM ITEM 10A
IRB - GUILD PLAZA HOTEL **LETTER OF INTENT TO RENOVATE THE GUILD PLAZA HOTEL** (District VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-341.

The Guild Plaza Hotel is located within the Kansas State Bank and Trust (KSB&T) Building at 125 N. Market in downtown Wichita. Until recently the hotel space in the building was leased to a hotel company owned by Mark Giles from Omaha, Nebraska. That lease has been terminated and the hotel now is operated by the buildings owner, Research Boulevard Partnership (the Developer), whose home office is in Herndon, Virginia. The KSB&T Building owner wishes to affiliate the hotel with a major national hotel chain in order to reposition it within the Wichita hotel market and to take advantage of national reservations and group booking services. To achieve such affiliation, the hotel space must undergo substantial renovation. The Developer has requested assistance from the City in the form of gap financing, special assessment financing and property tax abatement.

The renovation project will include a major remodeling of the entrance and lobby area of the hotel, including addition of a porte-cachere and modifications to the sidewalk and curb on Market Street. In addition, the HVAC and life safety systems on the hotel floors will be upgraded, the elevators and public restrooms will be upgraded to ADA standards, guest rooms and corridors will be substantially remodeled to a higher level of finish, as will the 6th floor meeting rooms, lobby, restaurant and atrium pool area. A concierge level with an executive finish will be created on the 8th floor of the hotel.

The total cost of the renovation project is estimated to be \$4 million. Based on a projected cash flow proforma prepared at the City's expense by PKF Consulting, the Developer proposes to privately finance \$3 million of renovation costs with a combination of equity and IRB debt financing. In addition, it is estimated that up to \$500,000 in costs may be eligible for special assessment financing, in which the City would finance the improvements and assess the costs against the KSB&T Building, which assessments would be in the form of a special tax spread over a 15 year period. The remaining gap in the financing would be covered by a \$500,000 contribution from the City. It is estimated that the City's contribution will be amortized over a ten year period by the transient guest tax revenue. The requested tax abatement will cover only the improvements added to the hotel.

Bonds issued to finance both the special assessment improvements and the City's \$500,000 contribution will be taxable general obligation bonds. Special assessment bonds are secured by a tax lien on the real property benefitting from the improvements. The bonds issued to finance the City's contribution will be repaid from transient guest tax revenues transferred to the Debt Service Fund. Based on proforma projections, there will be an estimated 50% cushion of bed tax revenue generated by the hotel available for debt service on City contribution bonds.

A payment in lieu of taxes will be imposed on the property through the IRB financing mechanism, based on the portion of the KSB&T Building valuation that is attributable to the hotel space, as determined in advance by the Sedgwick County Appraiser. Taxes above this valuation will be abated for a 10-year period.

Council Member Kamen momentarily absent.

Vice Mayor Gale inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Ferris moved that the Letter of Intent be approved and the Mayor be authorized to sign. Motion carried 5 to 0. (Rogers, Knight; absent)

COUNCIL PROCEEDINGS

CITY CREDIT CARD PROGRAM CITY CREDIT CARD PROGRAM.

Motion -- Gale moved that this Item be deferred two weeks for the new City Council. Motion
-- carried carried 5 to 0. (Rogers, Knight; absent)

ADDENDUM ITEM 11A 1998 CAFR

1998 COMPREHENSIVE ANNUAL FINANCIAL REPORT.

Ray Trail Director of Finance reviewed the Item.

Agenda Report No. 99-343.

Kansas state law requires an annual audit of all City accounts to be performed by an independent certified public accounting firm at least annually. Additionally, an audit of the City's federal forfeiture program is required by the Bureau of Justice each year. The Comprehensive Annual Financial Report and the report on compliance required by the Bureau of justice are for the year ended December 31, 1998.

Mark Dick Mark Dick of Allen, Gibbs & Houlik, L.C., reported that the City is compliant in the following three basic areas:
C The financial statements are free of material misstatement.
C The internal controls are in place and are effective.
C The City complied, in all material respects with the finance-related laws and regulations.

Vice Mayor Gale Vice Mayor Gale inquired if anyone wished to be heard and no one appeared.

Motion -- carried Cole moved that the Report be received and filed. Motion carried 5 to 0. (Rogers, Knight; absent)

ADDENDUM ITEM 11B NOISE ORDINANCE

AMENDMENT OF CHAPTER 7.41 - NOISE.

Chris Cherches City Manager reviewed the Item.

Agenda Report No. 99-342.

The Old Town District has developed (over the years) into a mixture of commercial shops, eating, drinking, and entertainment establishments. The popularity and diversity of the District has now attracted residential uses. Even though residential use is allowed in the Old Town District, it is not residentially zoned.

The area is currently zoned with an A Old Town Overlay® which allows residential districts that would otherwise be prohibited in the Limited Industrial Classification. Based on this zoning, commercial standards relating to noise levels, apply within the district. With the growth and development of this area into an entertainment district, and with the mix of residential and commercial activities, there is a need for an examination of the City's Noise Ordinance - as it pertains to such areas - to accommodate the mixed uses and activities such as live music, shows, exhibits and other forms of indoor and outdoor entertainment.

Since the primary focus of the Old Town District is to provide entertainment and shopping for conventioners, tourists, visitors, and residents, it is proposed that an amendment to the current noise standards for the Old Town District be considered which will provide for the following:

* The background noise limits in Ordinance section 7.41.030 be increased from 5 to 10 decibel above background levels for the Old Town District. [The excess of background level limit in the Ordinance be increased from 5db(A) to 10db(A)]

* The current ordinance be amended to exempt the District from these standards between the hours of 8 p.m. and 2 a.m. on Fridays, Saturdays, Sundays and the specified holidays.

Measurements of the noise levels will be based on the establishment of background level noise before application of the noise limits indicated above.

Jack Brown Environmental Health Director explained decibel differences.

Council Member Cole Council Member Cole requested a two week deferral so the changes could be explained to those in the Old Town District.

COUNCIL PROCEEDINGS

Council Member Kamen Council Member Kamen said he had a problem with the ordinance and believed it would drive businesses out of Old Town.

Chris Cherches City Manager explained that the atmosphere in Old Town is one of excitement. One of the problems is the goal of bringing residential to the downtown area. To allow businesses to be successful, there has to be some allowance and give and take between residential and business.

Vice Mayor Gale Vice Mayor Gale inquired if anyone wished to be heard and no one appeared.

Council Member Ferris Council Member Ferris said he had strong feelings on this and would like the Council to vote and then return the Ordinance for second reading in two weeks.

Motion -- Cole moved that this Item be deferred two weeks to allow merchants in Old Town the opportunity to learn about the Ordinance.

Substitute motion -- Kamen moved a substitute motion that the Ordinance be placed on first reading with
-- failed second reading deferred two weeks. Substitute motion failed 3 to 2. Cole, Lambke - No. (Rogers, Knight; absent)

-- failed Substitute motion failed 3 to 2. Ferris, Kamen - No. (Rogers, Knight; absent)

Council Member Ferris Council Member Ferris changed his vote on the original motion to Yes.

-- carried Motion carried 4 to 1. Kamen - No. (Rogers, Knight; absent)

CITY COUNCIL AGENDA

PROCLAMATIONS

PROCLAMATIONS:

--Professional Secretaries Week
--World Trade Week

Motion -- carried Gale moved that the Proclamations be authorized. Motion carried 5 to 0. Rogers, Knight; absent)

CONSENT AGENDA

Gale moved that the Consent Agenda, except Items 23 and 25, be approved in accordance with the recommended action shown thereon. Motion carried 5 to 0. (Rogers, Knight; absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED APRIL 5, 1999.

At 10:00 a.m., Friday, April 2, 1998, pursuant to advertisements published, bids were received, publicly opened, read aloud and tabulated for the Board of Bids and Contracts:

(Ref: Bid analysis report attached to Board of Bids Minutes April 5, 1999)

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains

1997 water main replacement program Phase 7/Schweiter Group - south of Kellogg, west of Hillside. (448-89198/634840/544139) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/6/98. (District I)

Duling Construction - \$597,390.00

12" Water Supply Line in 29th Street North - between Oliver and Woodlawn. (448-89104/635250/544625) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District I)

Whitetail Services - \$44,622.50

1999 sanitary sewer rehabilitation program Phase "B" - in Pawnee, west of Broadway. (468-82969/620255/669380) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District II)

Insituform Technologies, Inc. - \$184,943.00

COUNCIL PROCEEDINGS

Lateral 87, Main 1, Southwest Interceptor Sewer to serve Cedarvale Acres Addition - 46th Street South and Ida. (468-82888/743690/480460) Traffic to maintained through construction. City Council approval date: 9/1/98. (District III)
WB Carter Construction - \$12,000.00

Water distribution system to serve Sabin, Walker to Harry Hecox Third, Windover and Tweco Products Inc. First Additions and Unplatted Tracts - north of Harry, east of I-235. (448-89225/734293/470507) Traffic to be maintained through construction. City Council approval date: 1/6/98. (District IV)

Whitetail Services - \$17,139.00

Water distribution system to serve Auburn Hills Seventh, Eighth & Ninth Additions and Unplatted Tracts; and Auburn Hills Commercial and Commercial Second Additions - along 135th Street West, south of Maple and south of Maple, east of 135th Street West. (448-89359, 448-89156/734917, 734918/ 470587, and 470588) Traffic to be maintained through construction. City Council approval date: 1/26/99 & 6/17/97. (District V)

Duling Construction - \$110,094.00

Lateral 422, Southwest Interceptor Sewer to serve Lindsay's Orchard Addition - north of Pawnee, west of Maize. (468-82943/743791/480479) Does not affect existing traffic. City Council approval date: 1/12/99. (District V)

KC Excavating - \$83,383.00

Dora, from the east line of Cardington east to the east line of Covington and from the east line of Covington east to the east line of plat; Covington from the north line of Dora north and east to the west line of Lot 19, Block E; Carr Courts from the south line of Carr south to and including the cul-de-sac and from the north line of Carr North and west to and including the Cul-de-sac; Covington Courts from the west line of Covington West to and including the cul-de-sac and from the west line of Covington West to and including the cul-de-sac, and; Sidewalk on both sides of Dora from the east line of Cardington to the east line of Covington, on Covington from the north line of Dora to the west line of Lot 19, Block 3, and on the south side of Dora from the east line of Covington Est to east line of Plat, to serve Lark Sixth Addition - south of Kellogg, east of 119th Street West. (472-82895/765546/ 490657) Does not affect existing traffic. City Council approval date: 12/9/98. (District V)

Cornejo & Sons Construction - \$297,818.00

Hendryx Avenue from the east line of Julia to the west line of Hoover Street, and; Sidewalk along one side of Hendryx Avenue to serve West Kellogg Power Center Addition - north of Kellogg, west of Hoover. (472-82756/765549/490660) Street shall be closed during construction. City Council approval date: 9/24/96. (District V)

Cornejo & Sons Construction - \$173,674.05

Storm Water Sewer No. 523 to serve Auburn Hills Ninth Addition - south of Maple, east of 135th Street West. (468-82957/751274/485165) Does not affect existing traffic. City Council approval date: 1/26/99. (District V)

Mies Construction - \$46,961.00

Storm Water Sewer No. 522 to serve Auburn Hills Eighth Addition - south of Maple, east of 135th Street West. (468-89256/751275/485166) Does not affect existing traffic. City Council approval date: 1/26/99. (District V)

Dondlinger & Sons - \$46,630.00

Gale moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the Mayor be authorized to sign for the City. Motion carried 5 to 0. (Rogers, Knight; absent)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Hot and Cold Mix Asphalt (132225)

Kansas Paving - \$17.00 (Group I/Cost Per Ton)
Ritchie Paving, Inc. - \$26.00 (Group II-Proposal 1/Cost Per Ton)
\$28.00 (Group II-Proposal 2/Cost Per Ton)
\$28.00 (Group II-Proposal 3/Cost Per Ton)

COUNCIL PROCEEDINGS

HUMAN SERVICES DEPARTMENT/WICHITA HOUSING AUTHORITY DIVISION: Lawn Mowing, Trimming and Edging Services (127001)

Complete Landscaping System - \$52.00 (Group III-Item 1/Per Mowing)
\$52.00 (Group III-Item 2/Per Mowing)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: 48"x18' Ductile Iron Pipe (181222)

US Pipe & Foundry - \$15,696.00 (plus applicable sales tax)

WICHITA TRANSIT DEPARTMENT: Uniforms (160002)

Kansas T's - \$17.75* (Group II-Item 1/Per Each)

*Corrected total-approved by City Council on 2/9/99 @\$10.75

Gale moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 5 to 0. (Rogers, Knight; absent)

LICENSE APPLICATIONS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
Paul A. Eck	Family Home Association	3302 West 13th Street
Kevin Raven	Taco Tico*	1230 South Rock Road
Kevin Raven	Taco Tico*	3131 North Rock Road
Kevin Raven	Taco Tico*	929 North Broadway
Kevin Raven	Taco Tico*	1118 West Douglas
Kevin Raven	Taco Tico*	1303 North Tyler
Kevin Raven	Taco Tico*	8629 West Irving
Kevin Raven	Taco Tico*	460 North West Street
Kevin Raven	Taco Tico*	603 East 47th Street South
Kevin Raven	Taco Tico*	1645 East MacArthur
Kevin Raven	Taco Tico*	3425 East Douglas
Kevin Raven	Taco Tico*	311 East Pawnee
Kevin Raven	Taco Tico*	3255 East Harry
<u>(Consumption off Premises)</u>		
Helen Lu	KC Gas & Groceries #2	1161 North Broadway
John R. Leftwich	Coastal Mart #7303	3810 North Woodlawn
John R. Leftwich	Coastal Mart #9102	7101 East Lincoln
John R. Leftwich	Coastal Mart #9112	10723 West Kellogg
John R. Leftwich	Coastal Mart #9114	8008 East 21st Street
John R. Leftwich	Coastal Mart #9157	1025 West 21st Street
John R. Leftwich	Coastal Mart #9166	7990 East Central
John R. Leftwich	Coastal Mart #9189	8330 East Kellogg
<u>New Establishment</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
Sandra Franco	Taqueria El Paisa*	2420 South Oliver
<u>New Operator</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
Mary J. Sally Fallott	The Stetson*	1021 West Harry
<u>Special Event</u>	<u>April 24-25, 1999</u>	
Tamara Steinert	Newman University Renaissance Faire	3100 McCormick Avenue
	<u>May 7-8-9, 1999</u>	
Norton Jackson	Mexico Magico City Lot at Rock Island & Waterman	

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion --
-- carried

Gale moved that the licenses be approved subject to Staff review and approval. Motion carried 5 to 0. (Rogers, Knight; absent)

PLANS AND SPECIFICATIONS PLANS AND SPECIFICATIONS:

- a. 1999 Sanitary Sewer Reconstruction Program, Phase 2, Eaton Place - south of Douglas, east of Broadway. (468-82978/(620261)/669386) Traffic to be

COUNCIL PROCEEDINGS

maintained during construction using flagperson and barricades. City
Council approval date: 1/26/99. (District I)

COUNCIL PROCEEDINGS

- b. 1999 Sewer Response Plan Raise Buried Manholes, S&T 1. (468-82979/620253/669378) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District V)

Motion --

-- carried

Gale moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., April 16, 1999. Motion carried 5 to 0. (Rogers, Knight; absent)

SUBDIVISION PLANS AND SPECIFICATIONS:

- a. Lateral 21, Cowskin Interceptor Sewer to serve Auburn Hills Clubhouse and Commercial Second Additions west of 135th Street West, south of Maple Street. (468-82982/743794/480482) Does not affect existing traffic. City Council approval date: 4/20/99. (Districts V and IV)
- b. Lateral 10, Main 17, Southwest Interceptor Sewer to serve Forest Lakes Addition north of 29th, west of Ridge. (468-82308/743790/480478) Does not affect existing traffic. City Council approval date: 4/6/93. (Districts V and IV)
- c. Water Distribution System to serve Forest Lakes Addition north of 29th Street North, west of Ridge. 448-88707/734913/470583 Does not affect existing traffic. City Council approval date: 4/6/93. (Districts V and IV)
- d. Wild Rose from the south line of Lot 81, Block 4 and the south line of Lot 18, Block 6, to the north line of Lot 76, Block 4 and the north line of Lot 14, Block 6; Forest Lakes from the south line of Lot 48, Block 3, and the south line of Lot 7, Block 6, to the north Forest Lakes Addition north of 29th Street North, west of Ridge. (472-82326/765568/490679) Does not affect existing traffic. City Council approval date: 4/6/93. (Districts V and IV)
- e. Charles from the north line of 55th Street South, north to the south line of Lockwood; Lockwood from the west line of Charles, east to the east line of Vine; Vine from the south line of Lockwood, south Simmons Park Addition north of 55th Street South, east of Meridian. (472-82954/765503/490652) Does not affect existing traffic. City Council approval date: 6/23/98. (Districts IV and IV)

Motion --

-- carried

Gale moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., April 16, 1999. Motion carried 5 to 0. (Rogers, Knight; absent)

- a. Meridian Avenue from 53.706 M north of north line of Maple to 53.439 M north of north line of Caroline and from 31.501 M south of south line of St. Louis to 5.287 M south of south line of St. Louis - north of Maple to south of Central. (87N-0080-01; 472-82740/706408/405194). City Council approval date: 9/15/98. (District IV)

Motion --

-- carried

Gale moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., May 14, 1999. Motion carried 5 to 0. (Rogers, Knight; absent)

PRELIMINARY ESTIMATES

PRELIMINARY ESTIMATES:

- a. 1999 Contract Maintenance Micro-Surface Seal of Asphalt Streets at various locations. (132274/112000) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/13/98. (Districts II, IV, and VI) - \$75,810.00
- b. 26th Street North, from the east line of Vassar to the west line of Wellesley Post and Christy's College Crest Addition - north of 25th Street North, east of Hillside. (472-82997/765255/490-627) Traffic to be maintained through construction. City Council approval date: 8/11/98. (District I) - \$49,050.00

COUNCIL PROCEEDINGS

- c. Waco, from 32nd Street North to 33rd Street North Gibbons Gardens Addition - north of 29th, east of Arkansas. (472-82899/764753/490-577) Traffic to be maintained through construction. City Council approval date: 1/6/98. (District VI) - \$123,900.00
- d. 1999 Enhanced Maintenance Concrete Repairs, Phase C at various locations. (706648-C/405218) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/13/98. (Districts II and III - \$261,500.00
- e. 1998-1999 CDBG Neighborhood Revitalization Area (NRA) Street Improvements at various locations. (600973/806034) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 7/1/98. (District I, IV, and VI) - \$282,000.00

Motion --
-- carried

Gale moved that the Preliminary Estimates be approved and filed. Motion carried 5 to 0. (Rogers, Knight; absent)

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

CPO Northeast Council 1, 3-22-99
CPO East Council 2, 3-22-99
CPO Southeast Council 3, 3-25-99
CPO North Central Council 6, 3-24-99
Police and Fire Retirement System, 2-24-99
Sister Cities Advisory Board, 3-5-99
Wichita Employees Retirement, 2-24-99
Wichita Transit Advisory Board, 2-25-99

Motion -- carried

Gale moved that the Minutes be received and filed. Motion carried 5 to 0. (Rogers, Knight; absent)

ANNUAL REPORT

ANNUAL REPORTS OF ADVISORY BOARDS/COMMISSIONS.

Commission on the Status of People with Disabilities.

Motion -- carried

Gale moved that the Report be received and filed. Motion carried 5 to 0. (Rogers, Knight; absent)

STREET CLOSURES/USES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures/uses to consider.

EASEMENT AGREEMENT

EASEMENT ENCROACHMENT AGREEMENT. (District V)

Agenda Report No. 99-321.

Outback Steakhouse of Florida, Inc., is requesting to occupy an easement for the purpose of constructing a masonry screening wall five (5) feet south of the north line of Lot 1, Westview Third Addition and a masonry screening fence covering a twenty-foot (20) area on the east ten (10) feet of the easement.

The agreement allows Outback Steakhouse of Florida, Inc., to occupy and construct improvements on, over and across the aforesaid public easement described as the north line of Lot 1, Westview Third Addition, to Wichita, Sedgwick County, Kansas, and a 20 feet in width utility easement whose center line is 186 feet east of and parallel with the east line of Brunswick Street, in said Lot 1 of Westview 3rd Addition, hereinafter referred to as Tract AA@ and waives all rights of action in law arising out of the encroachment into the easement. The street address for the encroachment agreement is 233 South Ridge Road.

The agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line main lying within Tract AA@ and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion --
-- carried

Gale moved that the Agreement be approved and the Mayor be authorized to sign. Motion carried 5 to 0. (Rogers, Knight; absent)

COUNCIL PROCEEDINGS

EASEMENT ENCROACHMENT

EASEMENT ENCROACHMENT AGREEMENT. (District V)
Agenda Report No. 99-322.

The agreement would allow RRM, LLC to occupy and construct improvements on, over and across the aforesaid public easement described as Lots 2 and 3, Block 1, Golf Park West Addition, Wichita, Sedgwick County, Kansas, hereinafter referred to as Tract Aa and waives all rights of action in law arising out of the encroachment into the easement. The street address for the encroachment agreement is 8333 West 21st Street North. The improvement is to be a private utility line in the 10-foot utility easement located on the east side of Lots 2 and 3.

The agreement allows the City to be held harmless from any and all claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion --
-- carried

Gale moved that the Agreement be approved and the Mayor be authorized to sign. Motion carried 5 to 0. (Rogers, Knight; absent)

HUNTING PLACE SA

AGREEMENT TO RESPREAD SPECIAL ASSESSMENTS: HUNTINGTON PLACE SIXTH ADDITION - SOUTH OF 13TH STREET, WEST OF MAIZE. (District V)

Agenda Report No. 99-323.

The homeowners association of Huntington Place Sixth Addition has submitted an Agreement to respread special assessments within the Addition.

The affected property was originally platted as one large lot that is now being further subdivided, and was included in numerous improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments to two marketable lots and a reserve that will continue to be owned by the homeowners association. Without the Agreement, the assessments for the two lots would be too high to allow them to be marketed as homesites.

There is no Agreement fee.

Motion --
-- carried

Gale moved that the Agreement be approved and the Mayor be authorized to sign. Motion carried 5 to 0. (Rogers, Knight; absent)

LEGACY ADDITION SA

AGREEMENT TO RESPREAD SPECIAL ASSESSMENTS: THE LEGACY ADDITION - WEST OF MERIDIAN, SOUTH OF MACARTHUR. (District IV)

Agenda Report No. 99-324.

The developer of The Legacy Addition has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in an improvement district for a water supply line. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The Agreement will equalize the assessments for each lot, making it easier for the developer to market the lots.

There is no Agreement fee.

Motion --
-- carried

Gale moved that the Agreement be approved and the Mayor be authorized to sign. Motion carried 5 to 0. (Rogers, Knight; absent)

TRADE CENTER CONTRACT

WORLD TRADE CENTER CONTRACT FOR SERVICES.

Agenda Report No. 99-325.

Under the contract with the City, KWTC will provide economic development services to companies striving to increase international trade activity, including consulting and research services, translations, trade seminars, and conferences.

Payment will not exceed \$50,0000 in 1999 and will be funded from the Economic Development Trust Fund.

COUNCIL PROCEEDINGS

Motion --
-- carried

Gale moved that the Contract be approved and the Mayor be authorized to sign. Motion carried 5 to 0. (Rogers, Knight; absent)

FIRE STATION RELOCATION FIRE STATION RELOCATION CONTRACT.

Agenda Report No. 99-326.

The 1998-2007 Capital Improvement Plan includes one additional fire station and a pumper for a new station. Because of the City's recent and projected growth, the existing plans and placement of fire stations may not be appropriate for long-term fire and emergency response. Expanding City boundaries, population shifts, an increased number of multi-family complexes, and new and changing industrial developments result in changing fire risks. Through the RFP process, a consultant has been to study the alignment of fire protection resources and make recommendations to the City regarding the placement of fire stations, equipment, and station staffing.

Proposals for a fire station/management study were sent to six professional and qualified firms selected by the Fire and Finance Departments. Firms selected were those that had demonstrated practical professional firefighting management and experience, and professional public management, planning, and financial expertise. Two firms responded.

TriData Corporation was determined the most qualified and recommended by a seven-member committee representing the Fire Department, Planning, Data Center/GIS, Administrative Services, Finance, and one member from the community. TriData proposes to use the City's GIS services to determine where fire station should be located for current and anticipated needs, make staffing/equipment recommendations based on risk in the station service area, comment on the adequacy of current resources for service demands, and provide options and long-term strategies.

TriData is nationally known for its development and use of data in evaluating fire department services and allocating services. The principal consultant has written on the use of management information systems for fire department planning and is extensively published, including chapters in the two most recent editions of the ICMA Green Book, Managing Fire Services. The principal and proposed staff has extensive experience in all phases of fire and emergency services and public planning. TriData has undertaken studies for many cities of similar size, providing numerous references of studies that provided current analysis, short and long range plans for new stations, redeployment of staffing and equipment, and additions.

On December 23, 1997, Council approved funding of organizational studies, setting aside \$75,000 to be administered through the Employees Training Trust Fund.

Motion --
-- carried

Gale moved that the Contract be approved and the Mayor be authorized to sign. Motion carried 5 to 0. (Rogers, Knight; absent)

PROPERTY ACQUISITION ACQUISITION OF MAGDALEN CHURCH COMPLEX.

Agenda Report No. 99-327.

The City has studied the route for East Kellogg expansion and has prepared cost estimates for construction and right-of-way requirements. The most feasible alternative recommended by the design engineers is to utilize the north-side route, necessitating the acquisition of the Magdalen Church property. This route would be more direct and less costly than realigning the route to the south. Because the school is an integral part of the church property, the entire Magdalen Church complex is proposed for acquisition.

The City, Magdalen Parish and the Catholic Diocese have been involved in extended discussions. In concluding these discussions, the City has proposed, and the Church has accepted the City's offer for the property.

No amount of money can replace the emotions and long-time commitments involved with relocating a well-established parish church. However, because the Church will be required to acquire a site, design and construct a new church, school, and rectory, the City's offer provides for a full payment of \$10.5 million upon execution of a purchase agreement. As part of the negotiations and to allow the Church time to design, construct and relocate into new facilities, the Church will continue to occupy the property for two years and the school for three years without fee. The Church will be responsible for maintaining the property to its current standards and paying all expenses during its occupancy. The purchase agreement sets forth the terms and conditions of the acquisition.

COUNCIL PROCEEDINGS

The funds for this acquisition will be paid from the Local Sales Tax capital project funds.

Motion -- Gale moved that the budget and the Contract be approved and the Mayor be authorized to sign the necessary documents; and the funding Ordinance be placed on first reading. Motion carried 5 to 0. (Rogers, Knight; absent)

-- carried

ORDINANCE

An Ordinance declaring it necessary to acquire certain real estate in connection with planned improvements to Kellogg (U.S. 54), a main trafficway, at its intersection with Woodlawn and the manner of payment of same, introduced and under the plans laid over.

(Item No. 23)
PLAYGROUND IMPROVEMENT

PLAYGROUND IMPROVEMENT PLAN.

Agenda Report No. 99-328.

During the 1999/2000 budget development process, the City Council approved \$1 million in the 1999 budget for improvement and replacement of park playground equipment. The funding was to be used to replace outdated equipment and to make the playgrounds more attractive, safe and responsive to neighborhood needs. A playground audit has been completed by Staff certified in playground standards.

Of the 70 playgrounds in the City of Wichita, 49 are recommended for playground improvements by either total removal and replacement of existing equipment; or by removal of specific pieces of equipment. The 21 playgrounds that will not have equipment replaced have either had equipment recently installed or the equipment is considered to be in good condition.

The Playground Improvement Plan will be implemented in 1999 -2000 during the fall and spring, with the intention of not disrupting the playgrounds during the busy summer season. Playgrounds have been prioritized for completion. The first step of the Plan will be for the Park Department to meet with the neighborhood association near the park, or the Citizen Participation Council if there is not a nearby neighborhood association, to discuss the needs and the proposed playground modifications. The second step will be to remove the current playground equipment. The third step will be for the installation of the new playground equipment.

A contingency allocation of \$1 million is included in the City's 1999 Adopted General Fund budget to fund the Playground Improvement Plan. Upon City Council approval of the requisite budget transfers, funds will be shifted into a capital project account.

The \$1 million allocation will provide for replacement of equipment at 49 playgrounds as follows:

\$128,000	Contract for removal of current playground equipment.
\$680,000	Purchase of new playground equipment.
\$192,000	Installation by vendor of new playground equipment.
\$1 million	Total

Chris Cherches City Manager, responding to questions, explained that the actual locations will go to the neighborhoods. Park Staff is going with new wood fiber. There are insufficient funds for the last 21 on the list and those will gradually be phased-in. All meet ADA requirements.

Council Member Gale Council Member Gale said the ARC may have additional funds for the ADA requirements as they use the Aley Park for some of their activities.

Motion -- Gale moved that the playground improvement plan, budget adjustments and transfer of funds to a capital project be approved; and Staff be authorized to initiate the bid selection process for the removal of old playground equipment and the purchase and installation of new playground equipment. Motion carried 5 to 0. (Rogers, Knight; absent)

-- carried

COMPUTER ENHANCEMENTS

COMPUTER SYSTEM ENHANCEMENTS.

Agenda Report No. 99-329.

The City has identified three computerized processes that are reliant on technology which will not operate in the year 2000. These systems are listed as follows:

COUNCIL PROCEEDINGS

Library: The library has verified, through the vendor, that the software and hardware used to circulate materials, offer access to an online catalog, track magazine subscriptions, catalog new materials and other functions is not and will not be made year 2000 compliant.

Water Utility: The laboratory currently uses a Laboratory Information Management System (LIMS) to track, record, sort and report data accumulated in the analysis of water and waste water samples and it uses a spectrophotometer (ICP) for elemental analysis on water and wastewater samples. This lab equipment performs over 55,000 tests per year. The LIMS vendor recently confirmed that the existing DOS based system is not Y2K compliant. The upgrade solution requires an upgrade of the computer network. The current network is unable to run the revised software.

Police Department: Laboratory equipment which analyzes chemical substances brought in as evidence has been determined not to be year 2000 compliant. This lab equipment performed approximately 8,000 examinations in 1998. This lab analysis equipment has been verified by the vendor and McGladery & Pullen, LLP to be non-compliant. Without this equipment, the chemical analysis of evidence can not be conducted for filing charges against defendants.

Through management processes outlined in Wichita Project 2000, these non-compliant systems or devices were identified for remediation. The library and police department systems are being replaced while the lab equipment software in the water utility is being upgraded with hardware replacements to accommodate the upgrade.

The library remediation efforts total \$115,000. Funding is recommended from the following sources: 1) reallocation of a grant from the South Central Kansas Library System for \$15,000; and, 2) \$100,000 from library project accounts.

The Water Utility LIMS remediation efforts total \$205,000. Of this \$75,000 is for the LIMS hardware and software. It is recommended the \$75,000 be funded from the operating budget of the Water Utility. The ICP replacement totals \$130,000. The ICP is budgeted in 2000 for replacement. It is recommended that the funding be reallocated in 1999.

The Police Department's laboratory equipment remediation effort totals \$114,000. Funding is available in the 1997 Law Enforcement Block Grant (LEBG). Previous items allocated for the 1997 LEBG have been reallocated to the 1998 LEBG.

Motion --
-- carried

Gale moved that the three computer projects to achieve year 2000 compliance be approved. Motion carried 5 to 0. (Rogers, Knight; absent)

(Item No. 25)
EATON GAP FINANCING

EATON HOTEL GAP FINANCING.

Motion --
-- carried

Gale moved that this Item be deferred until after the Executive Session. Motion carried 5 to 0. (Rogers, Knight; absent)

(Following the Executive Session, the Council returned to this Item. Action is shown below.)

Motion -- carried

Gale moved that this Item be deferred two weeks. Motion carried 5 to 0. (Rogers, Knight; absent)

WAR MEMORIAL REQUEST

REQUEST FOR CITY PARTICIPATION IN WAR MEMORIAL.

Agenda Report No. 99-331.

The City Council was recently asked to contribute towards the construction of the Kansas Korean War Memorial proposed for construction in Veterans Park, near the downtown. Currently, this park has a number of memorials, including: Veterans, Vietnam War, U.S. Marine War, Merchant Marine War, Submarine War, and Korean War memorial. These memorials were placed in Veterans Park with the City contributing the land and donations/contributions providing the actual memorials.

Earl Weller, Adj. Paymaster of the Department of Kansas marine Corps League, requested the City to provide funding for the purchase of the United States Air Force and Navy panels for the proposed memorial. The City Council referred this request to Staff for review and recommendation.

A Kansas Korean War memorial is being proposed. A contract with Bergen Sculpture Studio will design, build and erect the 60' by 65' bronze memorial. Supporters of the project are seeking contributions to finance the entire project. The City has been requested to contribute \$13,000 towards this project (amount estimated to

COUNCIL PROCEEDINGS

complete two of the major panels involved in the memorial).

COUNCIL PROCEEDINGS

Research has shown that the City's policy has been to allow approved memorials to be placed on public lands, but on financial contributions are made to construct, place or maintain the memorials. The City has maintained the park site, but not the memorials. [On occasion, maintenance crews have had to clean graffiti or to make minor repairs from vandalism, but nothing substantial.

When this memorial was first proposed (September 26, 1995), the action by the City Council was to approve the placement. No City funding was to be required to complete the project, and all costs associated with the memorial, including design development and installation, estimated at approximately \$300,000, will be borne through donations to the Korean Association. The organization has also agreed to be responsible for any future vandalism damage to the memorial® (Reference: Agenda Report 95-804).

In the prior Council action, no financial costs would be required of the City.

Motion -- Gale moved that the City Council continue the existing policy of not contributing toward memorials and that this request be received and filed. Motion carried
-- carried 5 to 0. (Rogers, Knight; absent)

CANVASS CERTIFICATES

CERTIFICATES OF CANVASS.

Motion -- Gale moved that the Certificates of Canvass be received and filed. Motion carried
-- carried 5 to 0. (Rogers, Knight; absent)

ORDINANCE

SECOND READING ORDINANCES: (First read March 30, 1999)

- a. Assessments for water distribution system - Project No. 448-89216 -
(District VI)

ORDINANCE NO. 44-233

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of WDS 448-89216 read for the second time. Gale moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Rogers, Knight; absent)
Yeas: Cole, Ferris, Gale, Kamen, Lambke.

- b. Assessments for water distribution system - Project No. 448-89244 -
(District VI)

ORDINANCE NO. 44-234

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of WDS 448-89244 read for the second time. Gale moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Rogers, Knight; absent)
Yeas: Cole, Ferris, Gale, Kamen, Lambke.

PLANNING AGENDA

Motion -- Gale moved that Planning Agenda Items except 32 and 34 be approved as consensus
-- carried Items. Motion carried 5 to 0. (Rogers, Knight; absent)

V-2150

V-2150 - REQUEST TO VACATE A UTILITY EASEMENT LOCATED AT THE SOUTHEAST CORNER OF 33RD STREET NORTH AND AMIDON. (District IV)

Agenda Report No. 99-332.

Staff Recommendation: Approve vacation of utility easement.
MAPC Recommendation: Approve vacation of utility easement.

The applicant is requesting to vacate a utility easement, in order to allow for the construction of a single-family home on-site. The applicant has submitted lot splits for the eastern half of Lots 1 and 2, Block D, Riverdale Addition.

No one spoke in opposition to this request at the MAPCs advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. The applicant has met all of the conditions of

COUNCIL PROCEEDINGS

the lot splits, which included dedicating an utility easement and a KG&E easement.

COUNCIL PROCEEDINGS

No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Gale moved that the vacation order be approved and the Mayor be authorized to sign. Motion carried 5 to 0. (Rogers, Knight; absent)

V-2159

V-2159 - REQUEST TO VACATE A PORTION OF A DRAINAGE EASEMENT LOCATED IN AN AREA SOUTH OF 13TH STREET AND NORTH OF WARREN CIRCLE. (District V)

Agenda Report No. 99-333.

Staff Recommendation: Approve vacation of a portion of a drainage easement.

MAPC Recommendation: Approve vacation of a portion of a drainage easement.

The applicant is requesting to vacate a portion of a drainage easement (15 feet by 95 feet), in order to allow for the construction of a single-family home on-site. City Engineering did not object to the request at the MAPCs Subdivision Committee meeting.

No one spoke in opposition to this request at the MAPCs advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Gale moved that the vacation order be approved and the Mayor be authorized to sign. Motion carried 5 to 0. (Rogers, Knight; absent)

V-2160

V-2160 - REQUEST TO VACATE A PORTION OF A DRAINAGE EASEMENT LOCATED AT THE SOUTHEAST CORNER OF DORA AND 119TH STREET WEST. (District V)

Agenda Report No. 99-334.

Staff Recommendation: Approve vacation of a portion of a drainage easement.

MAPC Recommendation: Approve vacation of a portion of a drainage easement.

The applicant is requesting to vacate a drainage easement. The applicant has stated that the drainage easement is no longer needed, and City Engineering verified that statement.

No one spoke in opposition to this request at the MAPCs advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Gale moved that the vacation order be approved and the Mayor be authorized to sign. Motion carried 5 to 0. (Rogers, Knight; absent)

(Item No. 32)

S/D 98-111

S/D 98-111 - PLAT OF WACO TOWNSHIP ADDITION LOCATED ON THE NORTH SIDE OF 55TH STREET SOUTH, ON THE WEST SIDE OF HOOVER STREET.

Agenda Report No. 99-335.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

Marvin Krout

Director of Planning explained that the area uses lagoons.

Motion --
-- carried

Ferris moved that the Documents and Plat be received and filed, and the Mayor be authorized to sign. Motion carried 5 to 0. (Rogers, Knight; absent)

S/D 98-117

S/D 98-117 - PLAT OF DEATHERAGE ADDITION LOCATED SOUTH OF 45TH STREET NORTH, ON THE EAST SIDE OF SENECA. (District VI)

Agenda Report No. 99-336.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

COUNCIL PROCEEDINGS

100 Percent Petitions for water distribution system 448-89379 and sewer 468-82973.

Motion -- Gale moved that the Documents and Plat be received and filed, and the Mayor be authorized to sign; and the Petitions be approved and the Resolutions be adopted.
-- carried Motion carried 5 to 0. (Rogers, Knight; absent)

RESOLUTION NO. R-99-130

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89379 (east of Seneca, north of 37th Street North) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gale moved that the Resolution be adopted. Motion carried 5 to 0. (Rogers, Knight; absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke.

RESOLUTION NO. R-99-131

Resolution of findings of advisability and Resolution authorizing construction of Lateral 99, Sanitary Sewer No. 23 (east of Seneca, north of 37th Street North) Project No. 358-82973 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gale moved that the Resolution be adopted. Motion carried 5 to 0. (Rogers, Knight; absent) Yeas: Cole, Ferris, Gale, Kamen, Lambke.

(Item No. 34)

Z-3311

Z-3311 - ZONE CHANGE REQUEST FROM ALC® LIMITED COMMERCIAL TO AGC® GENERAL COMMERCIAL, LOCATED SOUTH OF 51ST STREET SOUTH AND EAST OF HYDRAULIC.
(District III)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-337.

MAPC Recommendation: Approve, subject to conditions of a protective overlay #50.

CPO Recommendation: Approve, subject to conditions.

Staff Recommendation: Approve, subject to conditions.

The Director of Planning explained that the recommended action should read to place the Ordinance on first reading.

Motion -- Lambke moved that the Council concur with the findings of the MAPC and approve the zone change, subject to additional conditions of a protective overlay;
-- carried and the Ordinance be placed on first reading. Motion carried 5 to 0. (Rogers, Knight; absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3311

Z-3312

Z-3312 - ZONE CHANGE REQUEST FROM ASF-6" SINGLE FAMILY TO AGC® GENERAL COMMERCIAL, LOCATED AT THE SOUTHEAST CORNER OF 47TH STREET SOUTH AND LULU AVENUE.
(District IV)

Agenda Report No. 99-338.

MAPC Recommendation: Approve.

CPO Recommendation: Approve.

Staff Recommendation: Approve.

Motion -- Gale moved that the Council concur with the findings of the MAPC and approve the zone change; place the Ordinance establishing the zone change on first reading.
== carried Motion carried 5 to 0. (Rogers, Knight; absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3312

COUNCIL PROCEEDINGS

SCZ-0734

SCZ-0734 - PLATTING EXTENSION TO MARCH 26, 2000, FOR PROPERTY APPROVED FOR REZONING FROM ASF-20" SINGLE-FAMILY RESIDENTIAL TO ALI® LIMITED INDUSTRIAL LOCATED SOUTH OF 29TH STREET NORTH AND WEST OF GREENWICH. (District II)

Agenda Report No. 99-339.

Motion --

Gale moved that a Platting extension for SCZ-0734 to March 26, 2000, be granted; provided, however, that should a Plat of this property not be recorded by that date, the zone change shall be considered denied and closed. Motion carried 5 to 0. (Rogers, Knight; absent)

-- carried

A 99-11

A 99-11 - REQUEST THE ANNEXATION OF PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 47TH STREET SOUTH AND MERIDIAN AVENUE. (District IV)

Agenda Report No. 99-340.

This property is generally located at the NW corner of 47th Street South and Meridian Avenue. Sharon L. Spencer, Isabelle V. Templeton and Randy Nevins request annexation of approximately 24.1 acres of undeveloped land. Plans for the property include 56 single-family dwelling units.

Land Use and Zoning: The site consists of one (1) unplatted tract of land that is undeveloped and abuts the City to the north and south. The proposed site is currently zoned ASF-20" Single Family Residential. The general character of the surrounding area is residential. The land directly to the north is incorporated and zoned ASF-6" Single Family Residential. Land to the east of the site is incorporated and zoned ASF-6" Single Family Residential and ALC® Limited Commercial. The land to the west of the site is unincorporated and zoned "SF-20" Single Family Residential. The land to the south is zoned AMH® Manufactured Housing and ALC® Limited Commercial. The ALC® zoning is specific to the intersection of 47th Street South and Meridian.

Public Services: The City Water and Sewer Department indicates that there are 12 inch water distribution mains along Meridian Avenue and 47th Street South. The site can also be served by City sewer service by existing 54 inch mains along Meridian and 47th Street South.

Street System: As the area proposed for annexation is developed, it will have access to Meridian Avenue, a two-lane asphalt road, which serves the area as the nearest major north-south road. The 1998-2007 City C.I.P. includes plans to widen Meridian from I-235 to 47th Street South to a four-lane arterial street with construction beginning in 2003. The site will also have access to 47th Street

South, a two-lane asphalt section line road, which is the nearest major east-west arterial road.

Public Safety: The Wichita Fire Department can serve this site with a six (6) minute approximate response time from Station #19 located at 600 W. MacArthur Road. Upon annexation, police protection will be provided to the area by the Patrol South Bureau of the Wichita Police Department, headquartered at 211 E. Pawnee.

Parks: Southlakes Park, a 247.29 acre regional park, and Southview Park, a 20 acre community park, are located approximately 3 mile east of the annexation site on 47th Street South.

School District: The property is located in Unified School District 261 (Haysville School District). Annexation will not change the school district.

Urban Growth Area & Policy 32: This property is located within area designated as Anew growth® of the City of Wichita as shown in the 1996 amended Wichita-Sedgwick County Comprehensive Plan. The property is also located within the Policy 32 urban service area.

The property proposed for annexation is currently vacant farmland with no improvements. The total appraised value of the property is \$3,210; the assessed value (30%) of the property totals \$963. Therefore, at the current City levy (\$31.253/\$1000 x assessed valuation), this roughly yields \$30 in City annual tax revenues for the property as unimproved.

According to the information submitted with the request for annexation, the staging of the proposed residential development covers two years; 50% completion of the project within the first year with 100% completion by the second year. If the

COUNCIL PROCEEDINGS

residential development proceeds as planned and assuming the current City levy does not change, the property should yield approximately \$18,517 in City annual tax revenue upon completion of the project.
The property is eligible for annexation under K.S.A. 12-520.

Motion --
-- carried

Gale moved that the annexation request be approved and the annexation Ordinance be placed on first reading. Motion carried 5 to 0. (Rogers, Knight; absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 99-11

EXECUTIVE SESSION

Motion --

-- carried

Gale moved that the Council recess into Executive Session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, legal advice; personnel matters of non-elected personnel; preliminary discussions relating to the acquisition of real property for public purposes; confidential data relating to the financial affairs or trade secrets of a business; and return not before 1:45 p.m. Motion carried 5 to 0. (Rogers, Knight; absent)

RECESS

The City Council recessed at 12:50 p.m. and returned at 2:05 p.m.

ADJOURNMENT

The City Council meeting adjourned at 2:05 p.m.

Pat Burnett
City Clerk